

REMARKS

Claims 1-21 were previously pending and at issue. Claim 22 has been added. Claims 5 and 15 have been canceled. Accordingly, claims 1-4, 6-14, 16-22 are pending and at issue.

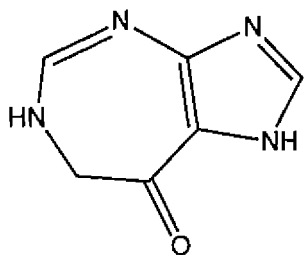
Rejections Under 35 U.S.C. § 112, second paragraph

The Examiner has not withdrawn the indefiniteness rejection set forth in rejections labeled a), e), f) and g) in the Office action dated February 28, 2006. These rejections are repeated below for the Examiner's convenience:

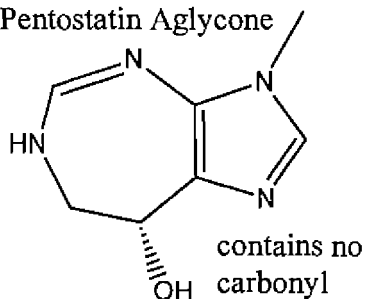
a) Claims 1-17 are vague and indefinite in that it is not known what is meant by "analog", "aglycone", and "aglycone analog" of pentostatin, which implies more than what is positively recited.

Regarding the term pentostatin aglycone. Applicants note that this term refers to a very specific class of compound. See page 11, section b of Applicants Response dated May 30, 2006. The Examiner states that the compound on the right would be considered a pentostatin aglycone, which is show next to the actual compound pentostatin aglycone on the left:

Pentostatin Aglycone Example cited by Examiner on p3



Actual Structure of Pentostatin Aglycone

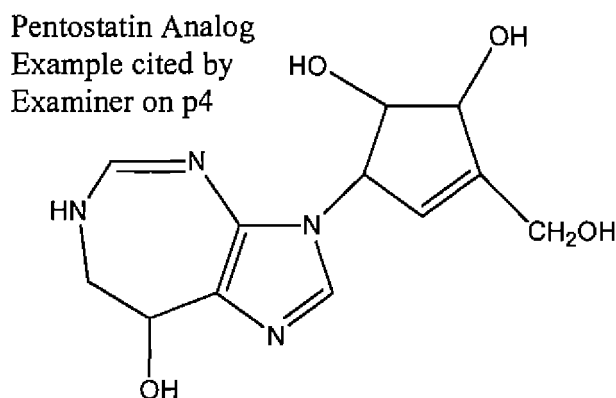


It is believed the Examiner meant to refer to pentostatin aglycone analog, which is discussed below.

Regarding the term pentostatin aglycone analog, while applicants respectfully disagree that this term is indefinite in view of the application as filed, applicants have amended claim 1 to

specify the exact location in which the pentostatin aglycone would be modified to form a pentostatin aglycone analog (instead of pentostatin aglycone itself). Claim 1 has been amended to recite with respect to the pentostatin aglycone *"in which the carbon atom between the two nitrogen atoms on the seven-member ring is altered"*. A person of ordinary skill in the art would understand that this carbon atom could be altered based on the orthoformate selected in claim 12. This is discussed, for example, on page 20 under the definition of "pentostatin aglycone analog".

Regarding the term analog of pentostatin, the Examiner states that the following compound could be a pentostatin aglycone:



Applicants respectfully submit that the term "pentostatin analog" as recited in the claims and discussed in the specification are finite and unambiguous. For example, a person of ordinary skill in the art would understand that the sugar moiety would be fully saturated.

Solely to advance prosecution, applicants have amended claims 1 and 18 to more positively recite the term "pentostatin analog". More particularly, these claims have been amended to state "(a) a pentostatin analog in which the oxygen atom in the sugar moiety is replaced with a sulfur atom, a NH group, or a CH₂ group; (b) a pentostatin analog in which the sugar moiety is based on arabinose, xylose, ribose, lyxose glucose, galactose, manose, gulose, idose, talose, altrose, allose, fructose, sorbose or tagatose instead of deoxyribose." This is discussed on page 10 of the application as filed.

e) Claim 16 is vague and indefinite in that it is not known what is meant by "DMT-derivative" which implies more than what is positively recited".

Claim 16 has been amended to specify "dimethoxy trityl" instead of a DMT derivative. Applicants request that this rejection be withdrawn.

f) Claims 18-21 are vague and indefinite in that it is not known what is meant by "analog of pentostatin, which implies more than is positively recited"

As noted above, while applicants respectfully disagree, claim 18 has been amended to more positively recite the analogs of pentostatin encompassed by the claim.

g) Claims 18-21 are vague and indefinite in that it is not known what is meant by "substituted imidazole" [Applicants note that this term was also recited in claim 1]

Claim 1 and 18 have been amended to refer to "imidazole-containing compound" instead of a substituted imidazole. A person of ordinary skill would understand what is encompassed by this term based on the reactants which create this intermediate. Claim 1 has been amended to specify in greater detail the reactants that may be used to prepare the imidazole-containing compound. These reactants were previously defined in the dependent claims.

New Rejections Under 35 U.S.C. § 112, second paragraph

Claims 5-10 and 15 stand rejected as indefinite. The Examiner states that it is not known which amine the term "amine" is referring to. Claim 1 has been amended to use the term "iminoether" to define the compound from which may be prepared, for example, from ammonia or a primary amine and a trimethyl ester (see new claim 22). Claim 5 has been canceled. Claims 6 and 7 has been amended to refer to a primary amine, which is recited in claim 22. Claims 8-10 have been amended to refer to the iminoether defined in claim 1.

Applicants appreciate the Examiner's attention to this detail

Claim 15 has been rejected as not further limiting of claim 1. The notation used in claim 15 has been incorporated into claim 1. Claim 15 has been canceled.

In view of the Amendments set forth above, it is believed that this application is in condition for allowance. If deemed helpful to advance prosecution, the Examiner is requested to contact the undersigned at the number listed below.

Dated: February 15, 2007

Respectfully submitted,

By 

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